

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:19-cv-00653-MR**

CARL FLEMING,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
JAMIL GORDON, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on periodic review of the docket.

The Complaint passed initial review on the *pro se* incarcerated Plaintiff's claim that Defendant Jamil Gordon failed to intervene when another inmate attacked Plaintiff. The North Carolina Department of Public Safety (NCDPS) was unable to waive service for Defendant Gordon, so the Court ordered the U.S. Marshals Service (USMS) to locate and serve Defendant Gordon [Doc. 23]. The record indicates that the summons was issued electronically on August 25, 2020, but no return of service has been filed to date.

In actions brought *in forma pauperis* under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases.” 28 U.S.C. § 1915(d); see Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s

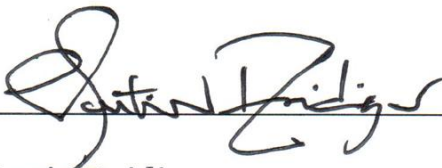
request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915....”).

The USMS is instructed to inform the Court within 14 days of the status of its attempts to locate and serve Defendant Gordon.

IT IS THEREFORE ORDERED that the USMS shall inform the Court within 14 days of this Order of the status of its efforts to locate and serve **Defendant Jamil Gordon.**

IT IS SO ORDERED.

Signed: November 30, 2020



Martin Reidinger
Chief United States District Judge

